

09-14-00

A

**COLEMAN SUDOL SAPONE, LLP
PATENT, TRADEMARK AND COPYRIGHT MATTERS**

932 U.S. PTO

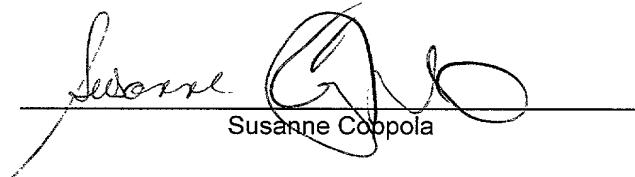


09/13/00

**708 THIRD AVENUE, 14TH FLOOR
NEW YORK, NY 10017
PHONE: (212) 679-0090
FAX: (212) 679-9121
E-MAIL: COSUD@EROLS.COM**

EXPRESS MAIL No.: EL 020805696 US Deposited: September 13, 2000

I hereby certify that this correspondence is being deposited with the United States Postal Service Express mail under 37 CFR 1.10 on the date indicated above and is addressed to: COMMISSIONER FOR PATENTS, Washington, DC 20231



Susanne Coppola

Jc682 U.S. PTO
09/661520
09/13/00



COMMISSIONER FOR PATENTS
Washington, DC 20231

Date: September 13, 2000
Docket No: W07-469

Sir:

Transmitted herewith for filing is the patent application in the name(s) of: **Peter J. Wilk**

FOR Sea Shell Novelty Item

ENCLOSED ARE:

- (1) Specification (pg. 1-9), Claims (pg. 10-11) & Abstract (page 12);
- (2) (1) sheet(s) of Drawings (Figs. 1-5);
- (3) Declaration and Power of Attorney;
- (4) Verified Statement (Declaration) Claiming Small Entity Status - Small Business Concern;
- (5) Preliminary Amendment.

THE FILING FEE HAS BEEN CALCULATED AS SHOWN BELOW:

| | Claims filed | Extra | SMALL ENTITY or | LARGE ENTITY |
|---|--------------|--|------------------|--------------|
| Basic Fee | | | \$ 345.00 | \$ 690.00 |
| Total Claims | 09 - 20 = 00 | x \$ 09.= 0.00 | x \$ 18.= | |
| Indep. Claims | 02 - 03 = 00 | x \$ 39.= 0.00 | x \$ 78.= | |
| () Multiple Dependent Claim Presented? | | + \$130.= | + \$260.= | |
| | | Total Filing Fee: | \$ 345.00 | \$ |
| | | Assignment recordation fee (\$ 40.00):\$ | | \$ |
| | | CHECK ENCLOSED: | \$ 345.00 | \$ |

The Commissioner is hereby authorized to charge payment of all fees associated with the filing and prosecution of this application but not limited to: Any patent application processing fees under 37 CFR 1.17
 Any filing fees under 37 CFR 1.16 for the presentation of extra claims.

and credit any overpayment to Deposit Account No. 04-0838. A duplicate copy of this sheet is enclosed.

Respectfully submitted,



R. Neil Sudol, Reg. No. 31,669

Enclosures

Applicant/Patentee : Peter J. Wilk
Serial/Patent No. : Not Yet Assigned
Filed/Issued : Herewith
For : Sea Shell Novelty Item
Attorney's Docket No. : W07-469

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

the owner of the small business concern identified below;
 an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN Wilk Patent Development Corporation
ADDRESS OF CONCERN 160 Third Avenue, New York, New York 10003

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled:

Sea Shell Novelty Item by inventor(s) Peter J. Wilk
described in

the specification filed herewith.
 application serial no. _____, filed _____
 patent no. _____, issued _____

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

COLEMAN SUDOL SAPONE, P.C.
708 Third Avenue, 14th Floor
New York, New York 10017-4101
(212) 679-0090

Cont'd.

20308056666

Verified Statement (Declaration) Claiming Small Entity Status
(37 CFR 1.9(f) and 1.27(c)) - Small Business Concern

Page 2

Applicant/Patentee : Peter J. Wilk
Serial/Patent No. : Not Yet Assigned
Filed/Issued : Herewith
For : Sea Shell Novelty Item
Attorney's Docket No. : W07-469

NAME OF CONCERN _____

ADDRESS OF CONCERN _____

INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

I acknowledge the duty to file in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patents issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Peter J. Wilk

TITLE OF PERSON OTHER THAN OWNER President

ADDRESS OF PERSON SIGNING 185 West End Avenue, New York, New York 10023

SIGNATURE Peter J. Wilkens

DATE 9/13/00

COLEMAN SUDOL SAPONE, P.C.
708 Third Avenue, 14th Floor
New York, New York 10017
(212) 679-0090

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Peter J. Wilk
SERIAL NO. : Not yet assigned
FILED : Herewith
FOR : Sea Shell Novelty Item
GROUP ART UNIT : Not yet assigned
EXAMINER : Not yet assigned

Assistant Commissioner for Patents
Washington, D.C. 20231

PRELIMINARY AMENDMENT

SIR:

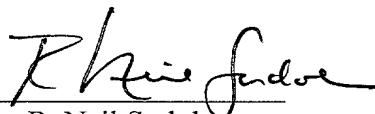
Prior to examination of the above-identified application, please amend the application as follows. This Amendment is submitted to correct a misspelling in the Specification.

IN THE SPECIFICATION

Page 2, Line 10, change "comprehensible" to -- comprehensible --.

Respectfully submitted,
COLEMAN SUDOL SAPONE, P.C.

By:


R. Neil Sudol
Reg. No. 31,669

708 Third Avenue
New York, New York 10017
(212) 679-0090

Dated: September 13, 2000

EL-3030569605

NOVELTY OR ENTERTAINMENT DEVICE AND ASSOCIATED METHOD

BACKGROUND OF THE INVENTION

This invention relates to a novelty device. This invention also relates to an associated method.

5 The entertainment industry is always in search of products which provide a surprise to the user. Surprise is the essence of entertainment. One kind of surprise arises when everyday articles exhibit an unexpected characteristic or behave in a way which is contrary to their everyday function.

10 One particularly valued form of entertainment is humor. Juxtaposing things, thoughts, perceptions, sensations which do not naturally occur together in the natural order of things frequently results in humorous entertainment.

OBJECTS OF THE INVENTION

It is an object of the present invention to provide a novelty item.

Another object of the present invention is to provide such an item which provides
15 a humorous entertainment adapted to different circumstances.

An additional object of the present invention is to provide a novelty item which appears to be a naturally occurring object but which, on closer inspection, provides an unnatural sensory input to the user.

These and other objects of the present invention will be apparent from the
20 drawings and descriptions herein. It is believed that each embodiment of the invention attains one or more of the objects set forth herein.

SUMMARY OF THE INVENTION

A novelty or entertainment device comprises, in accordance with the present

260208056110

invention, a housing in the form of a sea shell, a sound reproduction system mounted to the housing so as to remain hidden from casual visual inspection of the housing, and a switch mounted to the housing and operatively connected to the sound reproduction system for activating same in response to a lifting of the housing to an ear of a user.

5 The sea shell may be a naturally occurring shell, such as a conch shell. Alternatively, the sea shell may be a manufactured replica of a sea shell. In that case, the artificial shell preferably appears sufficiently authentic to entice a person to lift the shell to his or her ear in order to listen for the sound of surf.

It is contemplated that the sound reproduction system includes a memory for
10 storing at least one sound or series of sounds readily comprehensible as something other than the expected ocean sounds. The artificial sound or sounds generated by the sound reproduction system upon a lifting of the shell to the ear may be a simulation of a natural sound such as the roar of a lion, the song of a bird, the croaking of a frog, the buzzing of a bee, the rustle of leaves blowing in the wind, etc. Preferably, however, the
15 sound is a recorded spoken message, such as "Did you hear the one about ..." , "Friends, Romans, countrymen, lend me your ear," "This is going to cost you," "Get your ear out of my house," "Hey, you, mind your own business," "I bet you're a Peeping Tom, too," "Our next tune is one that all of you love," "Which number are you calling, please?" "I'll bet you're all ears," etc. Alternatively or additionally, the prerecorded sound stored
20 in the memory of the sound reproduction system may be a musical selection or a machine sound such as the dial tone of a telephone, the roar of a motorcycle or lawn mower, the whistle of a train, the tolling of a bell, etc.

The memory of the sound reproduction system in a novelty item in accordance

with the present invention may store several different sound sequences which are reproduced in a predetermined or random sequence. Accordingly, successive placements of the shell to the ear of a user will result in the reproduction of different sounds. The sound sequences may be different examples of the same kind of sound, 5 for example, a series of different jokes, different natural sounds, or different machine sounds. Alternatively, the multiple sound sequences in a memory may be of different kinds, so that a first sound is a natural sound, a second sound a machine sound, a third sound a musical passage, a fourth sound a voice message, etc.

The memory of the sound reproduction system may include a removable cartridge, enabling an exchange of the memory so that a new sound or series of sounds 10 may be produced on subsequent placements of the sea shell next to a user's ear. Replaceable memory cartridges may have respective seasonal themes. For example, a Halloween cartridge might reproduce sounds such as a witch's cackle, a hyena's laugh, an owl's screech, a ghost's moan, a squeaking door hinge, etc. An Independence Day 15 cartridge might reproduce patriotic sounds such as a national anthem, fireworks, historical speeches, etc. Alternatively, different cartridges might correspond to a location in which the shell is to be found. For instance, a shell in a retail establishment might announce sales specials, while a shell in a museum might present facts of interest to the museum visitor.

20 The switch activating the shell's sound reproduction system may be a gravity switch. In that case, a delay may be included in a circuit of the sound reproduction system so that the recorded sound is generated only after sufficient time has elapsed for the shell to be placed next to the ear of the user after having been lifted from rest on a

table or desk.

Other kinds of switches or activation mechanisms may be used in place of a gravity switch and a delay. For example, the switch or activation mechanism may be connected to a proximity detector which functions to sense nearness of a surface such

5 as a person's head to a mouth or opening of the shell-shaped housing. A suitable proximity detector includes a piezoelectric crystal, an ultrasonic waveform generator connected thereto, a power source (battery), a piezoelectric sensor monitoring incoming ultrasonic pressure waves, and a logic unit (with timer) connected to the sensor and to the generator or piezoelectric crystal for monitoring returning signals in response to an

10 ultrasonic wave packet or pulse produced by the crystal.

An ideal shell shape for the housing of the instant novelty item is a conch shell.

The sound reproduction system may include a solid-state memory, a power source, and an electroacoustic transducer.

An associated novelty or entertainment method comprises, in accordance with

15 the present invention, providing a housing in the form of a sea shell, and, in response to a removal of the housing from a stationary storage position towards an ear of a user, reproducing a predetermined sound so that the reproduced sound may be perceived by the user. As discussed above, the stored sound may include a verbal message. In one embodiment of the invention, the sound is automatically reproduced upon an automatic

20 sensing of a movement of the housing.

BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 is a schematic perspective view of a novelty item in accordance with the present invention, in use.

FIG. 2 is a block diagram of functional components of the novelty item depicted in Fig. 1.

FIG. 3 is a block diagram illustrating a modification or variation of the assembly of functional components shown in FIG. 2.

5 FIG. 4 is a block diagram illustrating another modification or variation of the assembly of functional components shown in FIG. 2.

FIG. 5 is a block diagram illustrating yet a further modification or variation of the assembly of functional components shown in FIG. 2.

DETAILED DESCRIPTION

10 As illustrated in FIG. 1, a novelty or entertainment device comprises a housing 10 in the form of a sea shell particularly a conch shell. According to pervasive lore, placing a conch shell so that a mouth opening 12 thereof is juxtaposed to an ear E of a user U results in the user having an aural sensation akin to the sound heard at the sea shore or on the open seas. Consequently, it is not uncommon for a user U, upon espying a
15 conch shell, to casually lift the conch shell to his or her ear E. The novelty item disclosed herein recognizes that impulse and capitalizes on it to provide a surprising sound to the user U upon the placement of shell 12 next to the user's ear E.

As illustrated in FIG. 2, a sound reproduction system 14 is mounted to housing or shell 10 so as to remain hidden from casual visual inspection of the housing. Sound
20 reproduction system 14 includes a solid-state memory 16 for storing at least one sound or at least one series of sounds readily comprehensible as something other than the expected ocean sounds. Memory 16 is accessed by an address selector 18 which reads the contents of a location or area of memory 16 and transfers the sound-encoding

electrical signals to an amplifier 20. Address selector 18 or amplifier 20 may be provided with a digital-to-analog converter (not shown) which transforms digital signals from memory 16 into an analog signal. The amplitude of the analog signal is increased by amplifier 20 and fed to an electroacoustic transducer or speaker 22 which produces 5 aurally detectible acoustic pressure waves detectible in part by the user U through the well-known functional components of the ear E.

Address selector 18 is connected at an input to a condition detector 24 which functions in part as a switch to activate the address selector. Various components of sound reproduction system 14, including address selector 18 and amplifier 20, are 10 connected to a power supply 26 such as a battery. Again, all of the components of sound reproduction system 14 are mounted to and hidden inside shell 10.

Condition detector or switch 24 may be a gravity switch or motion detector 28 (FIG. 3) which detects the condition of acceleration. Thus, when shell or housing 10 is lifted from a rest position, condition detector or switch 24 transmits an activation signal 15 to address selector 18 to induce the production of a sound. In that case, a delay circuit (not shown) may be included in gravity switch or motion detector 28 or address selector 18 so that the recorded sound is generated only after sufficient time has elapsed for the shell 10 to be placed next to the ear E of the user U.

In an alternative form, condition detector or switch 24 incorporates a proximity 20 detector 30 (FIG. 4) for sensing nearness of a surface such as the head H of user U to mouth opening 12 of the shell-shaped housing 10. Proximity detector 30 may be of the ultrasonic type and include a piezoelectric crystal, either a dedicated element (not shown) or transducer 22. The proximity detector may further include an ultrasonic

waveform generator connected to the piezoelectric crystal. The function of this ultrasonic waveform generator may be performed by memory 16, address selector 18, and amplifier 20. Alternatively, a dedicated unit (not illustrated) may be provided. The proximity sensor additionally includes an acoustoelectric sensor (such as transducer 5 22), which is capable of monitoring incoming ultrasonic pressure waves, and a logic unit (with timer) connected to the sensor and to the generator or piezoelectric crystal for monitoring returning signals in response to an ultrasonic wave packet or pulse produced by the crystal.

As another alternative, condition sensor or switch 24 may incorporate an infrared 10 sensor 32 (FIG. 5) for detecting the temperature of a body placed next to mouth opening 12.

The artificial sound or sounds stored in digitally encoded form in memory 16 and generated by sound reproduction system 14 upon a lifting of the shell to the ear may be a simulation of a natural sound such as the roar of a lion, the song of a bird, the 15 croaking of a frog, the buzzing of a bee, the rustle of leaves blowing in the wind, etc. Preferably, however, the sound is a recorded spoken message, such as "Did you hear the one about ...," "Friends, Romans, countrymen, lend me your ear," "This is going to cost you," "Get your ear out of my house," "Hey, you, mind your own business," "I bet you're a Peeping Tom, too," "Our next tune is one that all of you love," "Which number 20 are you calling, please?" etc. Alternatively or additionally, the prerecorded sound stored in memory 16 of sound reproduction system 14 may be a musical selection or a machine sound such as the dial tone of a telephone, the roar of a motorcycle or lawn mower, the whistle of a train, the tolling of a bell, etc.

Memory 16 may store several encoded signals corresponding to respective sounds. The encoded sounds are accessed by address selector 18 in a predetermined sequence or, alternatively, a random sequence. In this way, consecutively positioning shell 10 at the ear E of user U will result in the hearing of different sounds by user U.

- 5 The sound sequences may be different examples of the same kind of sound, for example, a series of different jokes, different natural sounds, or different machine sounds. Alternatively, the multiple sound sequences in memory 16 may be of different kinds, so that a first sound is a natural sound, a second sound a machine sound, a third sound a musical passage, a fourth sound a voice message, etc.

10 Memory 16 may be implemented in part as a removable cartridge, enabling an exchange of memory 16 so that a new sound or series of sounds may be produced on subsequent placements of the sea shell next to a user's ear. Replaceable memory cartridges may have respective seasonal themes. For example, a Halloween cartridge might reproduce sounds such as a witch's cackle, a hyena's laugh, an owl's screech, a

- 15 ghost's moan, a squeaking door hinge, etc. An Independence Day cartridge might reproduce patriotic sounds such as a national anthem, fireworks, historical speeches, etc. Alternatively, different cartridges might correspond to a location in which the shell is to be found. For instance, a shell in a retail establishment might announce sales specials, while a shell in a museum might present facts of interest to the museum

20 visitor.

Although the invention has been described in terms of particular embodiments and applications, one of ordinary skill in the art, in light of this teaching, can generate additional embodiments and modifications without departing from the spirit

of or exceeding the scope of the claimed invention. Accordingly, it is to be understood that the drawings and descriptions herein are proffered by way of example to facilitate comprehension of the invention and should not be construed to limit the scope thereof.

CONFIDENTIAL - SECURITY INFORMATION

WHAT IS CLAIMED IS:

1. A novelty or entertainment device comprising:
 - a housing in the form of a sea shell;
 - a sound reproduction system mounted to said housing so as to remain hidden from casual visual inspection of said housing; and
 - a switch mounted to said housing and operatively connected to said sound reproduction system for activating same in response to a lifting of said housing to an ear of a user.
2. The device defined in claim 1 wherein said switch is a gravity switch.
3. The device defined in claim 1 wherein said switch is connected to a proximity detector for sensing nearness of a surface to a mouth of said housing.
4. The device defined in claim 1 wherein said sea shell is in the form of a conch shell.
5. The device defined in claim 1 wherein said sound reproduction system includes a solid-state memory, a power source, and an electroacoustic transducer.
6. The device defined in claim 1 wherein said sound reproduction system includes a memory storing a plurality of different sound bites and means for accessing different ones of said sound bites on successive activations of said sound reproduction

system by said switch.

7. A novelty or entertainment method comprising:

providing a housing in the form of a sea shell; and

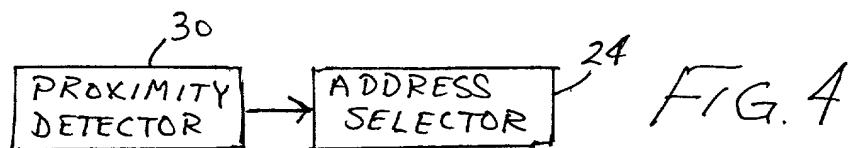
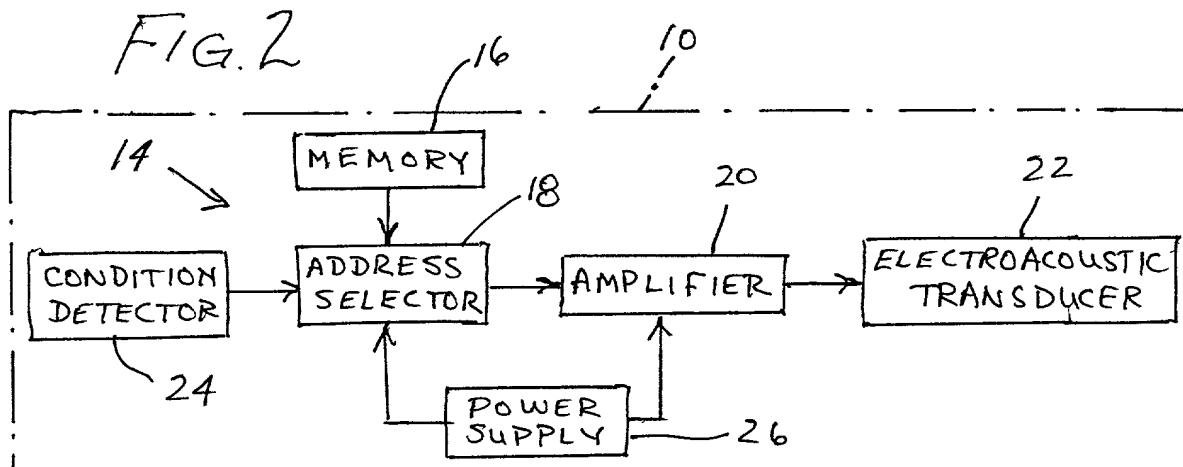
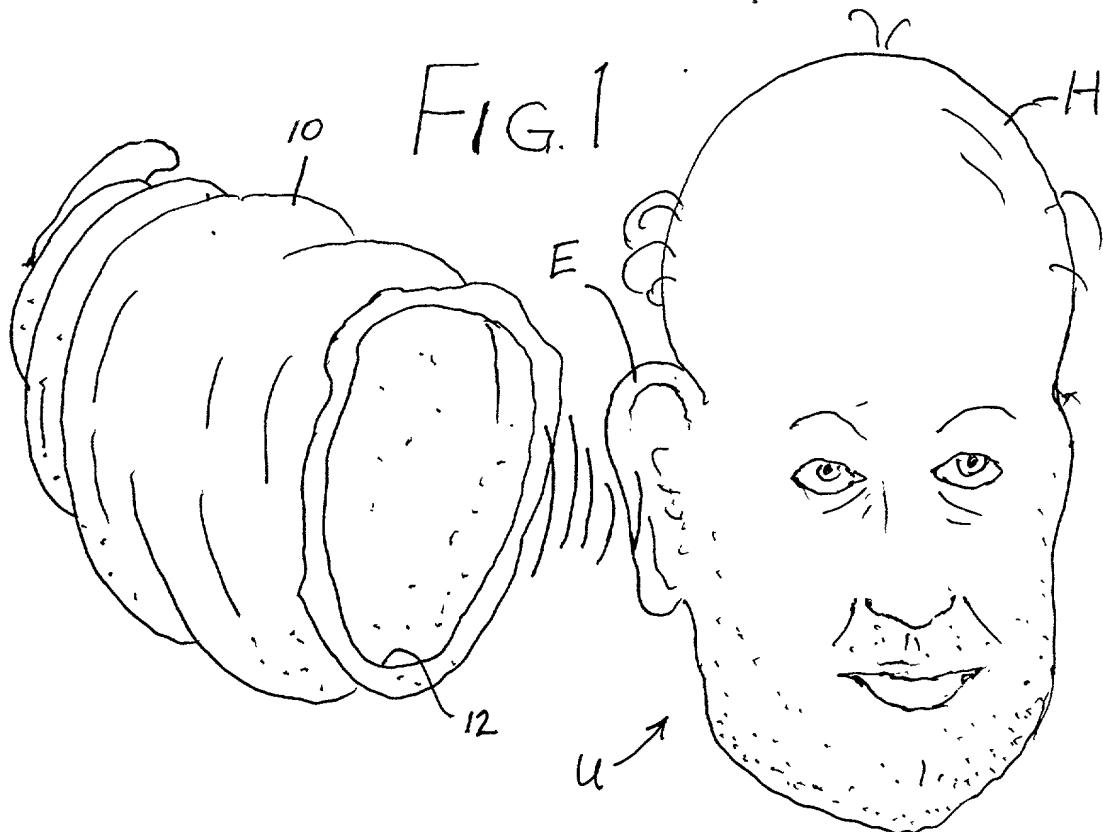
in response to a removal of said housing from a stationary storage position towards an ear of a user, reproducing a predetermined sound so that the reproduced sound may be perceived by the user.

8. The method defined in claim 7 wherein the sound includes a verbal message.

9. The method defined in claim 7, further comprising automatically sensing a movement of said housing, the reproducing of said sound being induced upon the sensing of said movement.

ABSTRACT OF THE DISCLOSURE

A novelty or entertainment device includes a housing in the form of a sea shell. A sound reproduction system is mounted to the housing so as to remain hidden from casual visual inspection thereof. A switch is mounted to the housing and is operatively connected to the sound reproduction system for activating same in response to a lifting of the housing to an ear of a user.



**COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT
APPLICATION**

As a below named inventor, I (we) hereby declare that:

My residence, post office address and citizenship are the same as stated below next to my name.

I (we) believe I am (we are) an original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Sea Shell Novelty Item

the specification of which (check one)

is attached hereto.

was filed on _____ as Application Serial No. _____

and was amended on _____ (if applicable).

was filed as PCT International application No. _____ on _____

and was amended on _____ (if applicable).

I (we) hereby state that I (we) have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I (we) acknowledge the duty to disclose information known to me to be material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I (we) hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| Number | Country | Filing Date (mm/dd/yyyy) | Priority Claimed |
|--------|---------|--------------------------|--|
| | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |

I (we) hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

Number

Filing Date (mm/dd/yyyy)

I (we) hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulation, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

| <u>Application Serial No.</u> | <u>Filing Date (d/m/y)</u> | <u>Status (Patented, Pending, Abandoned)</u> |
|-------------------------------|----------------------------|--|
| | | |

I (we) hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Henry D. Coleman, Reg. No. 32,559; R. Neil Sudol, Reg. No. 31,669;
William J. Sapone, Reg. No. 32,518

all of COLEMAN SUDOL SAPONE, P.C.
708 Third Avenue, Fourteenth Floor
New York, NY 10017-4101

Direct all telephone calls to: R. Neil Sudol/Henry D. at Telephone No. (212) 679-0090
Coleman/William J.
Sapone

Address all correspondence to: R. Neil Sudol/Henry at
Coleman/William J.
Sapone

**COLEMAN SUDOL SAPONE, P.C.
708 Third Avenue, Fourteenth Floor
New York, NY 10017-4101
United States of America**

I (we) hereby declare that all statements made herein of my (our) own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: Peter J. Wilk

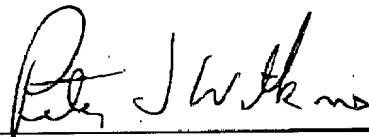
Residence: 185 West End Avenue,
New York, New York 10023

Post Office Address: Same as above

Country of Citizenship: United States

9/13/00

Date



Inventor's Signature

Full name of second inventor:

Residence:

Post Office Address:

Country of Citizenship:

Date

Inventor's Signature